

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ERIC HAYHURST,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00248

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

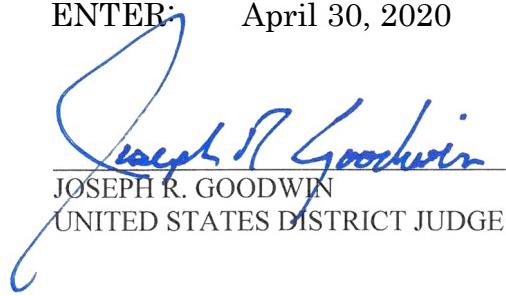
MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 22, 2019, Magistrate Judge Tinsley submitted the Proposed Findings of Fact and Recommendation (“PF&R”), [ECF No. 11], recommending the court dismiss this action pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely serve process. To date, no objections to Magistrate Judge Tinsley’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **FINDS** that the plaintiff has not filed proof of service with this Court as required by Federal Rule of Civil Procedure 4(l) and **DISMISSES** this action pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely serve process. [ECF No. 11]. The court **DIRECTS** the Clerk to send a copy of this

Order to counsel of record and any unrepresented party.

ENTER: April 30, 2020


JOSEPH R. GOODWIN

UNITED STATES DISTRICT JUDGE